

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ROOTS ROCK RAGE, LLC d/b/a SLOTH)
STEADY, a Michigan limited liability)
company, and NATHAN RUSSELL,)
)

Plaintiffs,

v.

ELECTRIC FOREST, LLC, a Delaware)
limited liability company, MADISON)
HOUSE PRESENTS, LLC, a Delaware)
limited liability company, and)
INSOMNIAC HOLDINGS, LLC, a)
Delaware limited liability company,)
)

Defendants.

Case No. _____

DEFENDANTS' NOTICE OF REMOVAL

Defendants Electric Forest LLC, Madison House Presents, LLC, and Insomniac Holdings, LLC, pursuant to 28 U.S.C. § 1441, remove to this Court the state action described below, which is within the original jurisdiction of this Court and properly removed under 28 U.S.C. §§ 1332, 1441, and 1446.

REMOVAL IS TIMELY

1. On October 5, 2018, Plaintiffs filed a lawsuit captioned *Roots Rock Rage, LLC d/b/a Sloth Steady, et al. v. Electric Forest, LLC, et al.*, case no. 2018L010829, against Defendants Electric Forest LLC (“Electric Forest”), Madison House Presents, LLC (“Madison House Presents”), and Insomniac Holdings, LLC (“Insomniac”) (collectively, “Defendants”) in the Law Division of the Circuit Court of Cook County, Illinois (“State Court Action”).

2. Electric Forest, Madison House Presents, and Insomniac were each served with the State Court Action Summons and Complaint on October 10, 2018. Pursuant to 28 U.S.C. §

1446(a), true and correct copies of the State Court Action Summons, Complaints, and process documents are attached as Exhibits 1–3. This was the first time each of the Defendants received a copy of the Complaint.

3. Defendants’ removal notice is timely. *See* 28 U.S.C. § 1446(b) (removal is timely if filed within 30 days of defendants’ receipt of the pleadings).

4. The Circuit Court of Cook County is located within the Eastern District of the Northern District of Illinois. 28 U.S.C. § 93(a)(1). This Notice of Removal is therefore properly filed in this Court pursuant to 28 U.S.C. § 1441(a).

BASIS FOR REMOVAL

Diversity of Citizenship

5. Diversity of citizenship is satisfied when the matter is between citizens of different states. 28 U.S.C. § 1332(a).

6. Under 28 U.S.C. § 1332(c)(1), a corporation shall be deemed to be a citizen of every State by which it has been incorporated and of the State where it has its principal place of business. For purposes of diversity jurisdiction, the citizenship of a limited liability company is determined by the citizenship of its members. *See Cosgrove v. Bartolotta*, 150 F.3d 729, 731 (7th Cir. 1998).

7. Plaintiff Rock Rage Roots is a Michigan limited liability company doing business in Illinois. (Compl. ¶ 1.) Plaintiff Nathan Russell is a resident of the State of Illinois. (Compl. ¶ 2.)

8. None of the Defendants or their members are citizens of Michigan or Illinois.

9. Electric Forest is a Delaware limited liability company, and its principal place of business is located in Colorado. (Declaration of Shawn A. Trell ¶ 2.) Its two members are Madison House Presents and Insomniac. (*Id.*)

10. Madison House Presents is a Delaware limited liability company, and its principal place of business is located in Colorado. (*Id.* at ¶ 3.) Its sole member, AEG Presents LLC, is a

Delaware limited liability company, and its principal place of business is located in California. (*Id.* at ¶ 4.) AEG Presents LLC's sole member is Anschutz Entertainment Group, Inc., which is incorporated under the laws of Colorado, and its principal place of business is located in Colorado. (*Id.* at ¶ 5.)

11. Insomniac is a Delaware limited liability company, and its principal place of business is located in California. (Declaration of Ian Humphrey ¶ 2.) It has four members. (*Id.*) Pasquale Rotella is domiciled in Nevada. (*Id.* at ¶ 3.) Live Nation Worldwide, Inc., is incorporated under the laws of Delaware, and its principal place of business is in California. (*Id.* at ¶ 4.) Insomniac, Inc. is incorporated under the laws of Nevada, and its principal place of business is in Nevada. (*Id.* at ¶ 5.) Insomniac Entertainment, Inc. is incorporated under the laws of Delaware, and its principal place of business is located in Nevada. (*Id.* at ¶ 6.)

12. Each Defendant is a citizen of a different state than each of the Plaintiffs, satisfying the diversity requirements under 28 U.S.C. § 1332(a).

Amount in Controversy

13. The amount in controversy requirement is satisfied when the amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs. 28 U.S.C. § 1332(a).

14. While Defendants contest the merits of Plaintiffs' claims, in the State Court Action, Plaintiffs seek to recover alleged damages in excess of \$4,077,000 and punitive damages in the amount of \$5,000,000. (Compl. pp. 18, 20–21, 23.)

15. The amount in controversy exceeds \$75,000, exclusive of interest and costs, and thus the State Court Action is properly removed to this Court.

NOTICE TO STATE COURT

16. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being served upon counsel for Plaintiffs Roots Rock Rage, LLC and Nathan Russell ("Plaintiffs") and a copy is

being filed with the Clerk of the Circuit Court of Cook County, Illinois, as an exhibit to a Notice of Filing. A copy of the Notice of Filing is attached hereto (without attachments) as Exhibit 4.

CONCLUSION

17. For the reasons stated above, this action is within the original jurisdiction of this Court pursuant to 28 U.S.C. § 1332(d). Thus, this action is removable pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

WHEREFORE, Defendants give notice that the above-described action pending against them in the Circuit Court of Cook County, Illinois, is removed to this Court.

Dated: November 8, 2018

Respectfully submitted,

/s/ Floyd A. Mandell

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2018, I caused the foregoing DEFENDANTS' NOTICE OF REMOVAL to be to be filed via the Court's CM/ECF system and sent via Federal Express upon Plaintiff's counsel:

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/s/ Floyd A. Mandell